

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07-21

A RESOLUTION ADOPTING AN AMENDMENT TO THE MANAGEMENT, SUPERVISORY & CONFIDENTIAL GROUP PERSONNEL POLICIES ADDING PAID TIME OFF POLICY

WHEREAS, the City Council of Tigard, Oregon has previously adopted Personnel Policies for the Management, Supervisory & Confidential Group; and

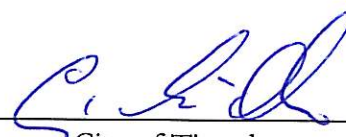
WHEREAS, the City Council reviewed the proposed Paid Time Off Policy for the Management, Supervisory & Confidential Group at their March 27, 2007 meeting; and

WHEREAS, the Paid Time Off Policy is attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Personnel Policies for the Management, Supervisory & Confidential Group be amended and adopted to include the Paid Time off Policy as listed in Exhibit A, effective July 1, 2007.

PASSED: This 10th day of April 2007.



Mayor City of Tigard

ATTEST:



City Recorder - City of Tigard

Revisions to Personnel Policies – Management, Supervisory,
Confidential Employee Group – EXHIBIT A

**Policy No. 19.0 - Paid Time Off (PTO) Leave (Effective July 1,
2007)**

Effective July 1, 2007, Paid Time Off Leave is implemented for Management, Supervisory, and Confidential Group employees who a) are employed in regular full time or regular part time positions as of July 1, 2007 and b) who voluntarily elect to participate in this program in lieu of receiving benefits under the existing Management Leave (No. 9.0), Vacation Leave (No. 10.0), and Sick Leave (No. 11.0) policies of the Management, Supervisory, Confidential Personnel Policies. All new employees hired or promoted into the Management, Supervisory, and Confidential Group after July 1, 2007 will receive leave benefits under the PTO program and will not receive benefits under the existing Vacation, Sick and Management Leave policies referenced above. TPOA employees who were hired into a PERS-covered position between January 1, 1996 and August 28, 2003 and who are subsequently promoted into a Management Group position will also be allowed to elect to participate in the PTO or remain under the traditional vacation/sick/management leave policies at the time of their promotion.

Accrual

Paid time off (PTO) leave is provided by the City in order to maintain the employee's salary while unable to work due to illness or injury (for up to the first 16 consecutive work hours) and so that the employee is able to take approved vacation from work and be paid, subject to the employee's available balance. PTO leave shall accrue at the following rates for full time employees based upon years of service:

YEARS OF SERVICE

ACCRUAL RATE/MONTH

0 to 6 months

6.0 hours per month PTO-
Probation; 40 hours credited at
the end of the probationary
period

beginning of 7 months of service

13.0 hours/month

beginning of 1 year of service	14.0 hours/month
beginning of 6 years of service	16.0 hours/month
beginning of 11 years of service	18.5 hours/month
beginning of 16 years of service	20.0 hours/month
beginning of 20 years of service	22.0 hours/month

Paid Time Off will be credited as earned for each month of service or pro-rated for each fractional month, expressed to the half month of service. Paid Time Off will be posted at the end of each pay period in which it is earned.

Employees may not use PTO until it has been earned.

Management/Supervisory/Confidential Group employees shall be allowed to accumulate accrued PTO leave up to a maximum of one and three fourths (1.75) time their annual accrual rate. Employees may not accrue PTO beyond the maximum limit. It is the employee's responsibility to schedule sufficient time off so that he/she is not denied accrual of additional PTO.

PTO leave benefits for regular part time employees (twenty hours per week or more) shall be accrued on a pro-rata basis according to their regular work schedule.

Probationary Employees

From date of hire until the successful completion of their probationary period, regular full time employees shall be credited with six (6) hours per month of PTO ("PTO-Probation" leave). Regular full time employees will be credited with an additional 40 hours of PTO leave when they have completed their initial probationary period. Part time regular employees shall be credited with a prorated amount according to their regular work schedule.

Probationary employees who fail to successfully complete their probationary period shall not be compensated for any PTO upon separation from City service for any reason.

Use of Leave for Scheduled Absences

Subject to staffing requirements of the City, use of PTO leave shall be scheduled in advance at the request of the employee. Employees will use accumulated PTO leave, accrued compensatory (M-1, M-2 or M-3) time, or holiday time for scheduled absences.

Use of Leave for Unscheduled Absences

The employee will use PTO leave for absences of up to sixteen (16) work hours due to illness or injury. If an employee is off work due to illness or injury for more than sixteen (16) work hours for the same illness, the employee may charge accrued Medical Leave for all but the first sixteen (16) work hours.

PTO Cash Out

With written approval of the department director, Management/Supervisory/Confidential Group employees may receive pay in lieu of one week of PTO leave each fiscal year, provided the payment is requested in conjunction with taking a scheduled week of time off. Employees may also receive pay in lieu of a second week of PTO each fiscal year, provided an additional, not necessarily consecutive, forty (40) hours of time off is taken off during the fiscal year.

Donation of PTO Leave

The city will allow employees to transfer accumulated PTO leave to a co-worker with a serious injury or illness who has exhausted all accumulated leave. Donations must comply with the "Management Group Vacation Donation Policy".

Payment at Separation

All regular employees shall be entitled to payment for earned but unused PTO leave upon separation from City service for any reason. In the event of a death, the employee's heirs will be entitled to payment for unused PTO leave.

Medical Leave

The City provides Medical Leave for an employee who is unable to work by reason of personal illness or injury, necessity of medical or dental care, exposure to contagious disease, or critical illness in the employee's immediate family. Employees may use Medical Leave where the employee is off work due to serious illness or injury for more than sixteen (16) consecutive work hours for the same illness or injury. Medical Leave may be used for all consecutive work hours after sixteen (16), subject to the employee's available balance. Medical Leave may also be used under the provisions of the City's Family Medical Leave Policy. For the purposes of this section, an employee's

immediate family shall be defined as: spouse, child, step-child, parent, step-parent, sibling, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandchild, grandparent, grandparent-in-law, domestic partner or any other person who is a dependent of the employee.

Accrual

Regular, full time employees shall accrue Medical Leave at the rate of 1.848 hours per pay period or 6 days per year for a full time employee. Medical Leave for regular, part time employees working 20 hours or more per week shall be prorated according to the regular work schedule. Medical Leave shall be posted at the end of each pay period. There shall be no limit on the amount of Medical Leave an employee may accumulate. Accumulated Medical Leave shall be payable at the employee's regular straight time rate in an amount equal to the time the employee would have normally worked.

Utilization

Medical Leave may not be used until it has been earned. Probationary employees are allowed to use accrued Medical Leave.

In the event an employee is absent from work because of illness or injury that is unscheduled, the employee shall, within a half-hour of their scheduled start time, notify their supervisor of their reason for being absent. Employees must notify their supervisor each day they are absent except employees who are on pre-approved Medical Leave such as Worker's Compensation or FMLA. At the discretion of the department director (or a required by FMLA), a physician's certificate may be required before an employee is permitted to return to work or to be granted Medical Leave. Documented abuse of Medical Leave shall result in disciplinary action.

If an employee runs out of Medical Leave, any additional work time missed will be automatically deducted from the employee's accrued Paid Time Off, compensatory or holiday time. If the employee has no paid leave time available, the employee may be placed on leave without pay.

Medical Leave may not be used when an employee is actually performing the work involved in a pre-approved outside employment agreement.

Physician's Certification

In cases of illness or disability as certified by an employee's physician, the City has the right to obtain a second medical opinion to confirm the employee's limited ability to perform the duties of their position or inability to return to work. Such examinations shall be performed by a licensed medical practitioner of the City's choosing and shall be paid for by the City. The consulting practitioner shall submit a written report to the Human Resources Director who will make a final decision regarding granting Medical Leave benefits. Employees who refuse to submit to a second opinion examination may be ineligible for the use of accumulated Medical Leave for the particular disability in question.

Conversion Option

Employees who have a Medical Leave balance of 514 hours or more may choose to accrue .5 (one-half) hour of PTO leave per pay period for every 1.848 hours of Medical Leave.

Payment at Separation

No payment for accrued Medical Leave shall be made upon separation from City service for any reason.

Workers' Compensation

In the case of on-the-job injuries/illnesses covered by workers' compensation, the City's policy addresses employees on Personal Time Off (PTO) or under Sick Leave, No. 11.0 of the Management, Supervisory, Confidential Group Personnel Policies.

Sick leave or PTO accrued benefits are not available for any illness or injury that is covered by workers' compensation benefits provided by the City or another employer for time-loss absences and appointments for required medical/therapy procedures. The City shall make up the difference between time loss payments and the employee's regular net pay at the time of injury. The City shall continue to make the same contribution to all benefit programs as would have been made if the employee had worked his/her regularly scheduled hours of work. Whenever an employee receives a reimbursement of worker's compensation time loss benefits, he/she shall endorse the check and give it to the Financial and Information Services Department for deposit by the

City. Time lost for injuries covered by workers' compensation will not be charged to the employee's accumulated sick leave or PTO bank. If the worker's compensation leave is for a qualified state or federal family leave purpose, such leave of absence shall be granted against the employee's annual family leave entitlement concurrently.